

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

BILLIE R. HALE,

Petitioner,

vs.

IAN WALLACE,

Respondent.

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Case No. 4:12-cv-983 SNLJ

MEMORANDUM AND ORDER

This matter is before the Court on the petition for writ of habeas corpus filed by Petitioner Billie Hale. I referred this matter to United States Magistrate Judge Shirley Mensah for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On August 19, 2013, Judge Mensah filed her recommendation that Roberts's habeas petition should be denied (#23). After seeking and receiving an extension of time in which to do so, petitioner filed written objections to Judge Mensah's Report & Recommendation on September 30, 2013 (#27).

After careful consideration, I will adopt and sustain the thorough reasoning of Judge Mensah and deny petitioner's habeas petition for the reasons stated in the Report and Recommendation dated August 19, 2013. Petitioner's written objections take issue with Judge Mensah's resolution of five grounds of his petition, but each objection is without merit. The testimony of the victims clearly supports the verdict in each regard.

I have also considered whether to issue a certificate of appealability. To grant a certificate of appealability, the Court must find a substantial showing of the denial of a federal constitutional right. *See Tiedeman v. Benson*, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a Court could resolve

the issues differently, or the issues deserve further proceedings. *Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997) (citing *Flieger v. Delo*, 16 F.3d 878, 882-83 (8th Cir. 1994)). Because petitioner has not made such a showing in this case, I will not issue a certificate of appealability

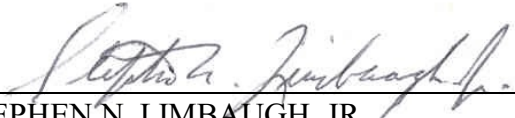
Accordingly,

IT IS HEREBY ORDERED that Judge Mensah's Report and Recommendation filed on August 19, 2013 is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that Petitioner Billie R. Hale's Petition for Writ of Habeas Corpus is **DENIED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability. A separate Judgment in accordance with this Memorandum and Order is entered this same date

Dated this 29th day of October, 2013.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE